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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/882,597	06/15/2001	Edward Michael Silver	36968.203978 (BS00148)	8298

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EXAMINER
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SALL, EL HADJI MALICK

ART UNIT	PAPER NUMBER
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2157

DATE MAILED: 09/20/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/882,597

Applicant(s)

SILVER ET AL.

Examiner

El Hadji M Sall

Art Unit

2157

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 15 June 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_\_ is/are rejected.
- 7) ☒ Claim(s) 1-19 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) ✓
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 6/15/01 ✓
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

**1. DETAILED ACTION**

This action is responsive to the application filed on June 15, 2001. Claims 1-19 are pending. Claims 1-19 represent electronic mail (email) Internet application methods and systems.

**2. Claim Rejections - 35 USC § 112**

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

Claims 17 and 19 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claims 17 and 19, applicant specified the term "method" as referring to claims 12 and 18, which are defined as " system". For purpose of prior art rejection in this office action, "method" in claims 17 and 19 will be changed to "system".

**3. Claim Rejections - 35 USC § 102**

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

4. Claims 1-2, 5-12, and 14-17 are rejected under 35 U.S.C. 102(e) as being anticipated by Horvitz U.S. 6,161,130.

Horvitz teaches the invention including technique which utilizes a probabilistic classifier to detect "junk" e-mail by automatically updating a training and re-training the classifier based on the updated training set.

As to claim 1, Horvitz teaches a method of manipulating email messages with an email network appliance comprising:

classifying an email message (see abstract, Horvitz discloses Based on the probability measure, the message can alternatively be classified);

inserting the email message into a classification container (see abstract, Horvitz discloses (see abstract, Horvitz discloses that message is classified as either, e.g., spam or legitimate mail, and, e.g., then stored in a corresponding folder); and

presenting the classification container in a classification display section (see abstract, Horvitz discloses for subsequent retrieval by and display to the recipient).

As to claim 2, Horvitz teaches the method of claim 1, further comprising prompting a user to save a sent email message (column 8, lines 1-2, the recipient can also save the message).

As to claim 5, Horvitz teaches the method of claim 1, wherein the email network appliance comprises an apparatus comprising a keyboard (figure 4, item 49).

As to claim 6, Horvitz teaches the method of claim 1, wherein the email network appliance comprises an email Internet appliance (figure 1).

As to claim 7, Horvitz teaches the method of claim 3, further comprising prompting a user to save a sent email message (column 8, lines 1-2, Horvitz discloses the recipient can also save the message).

As to claim 8, Horvitz teaches the method of claim 6, further comprising prompting a user to save a sent email message (column 8, lines 1-2, Horvitz discloses the recipient can also save the message).

As to claim 9, Horvitz teaches the method of claim 1, wherein the display classification section comprises at least two sections, each section containing one classification container (see abstract, Horvitz discloses that message is classified as either, e.g., spam or legitimate mail, and, e.g., then stored in a corresponding folder (223, 227)).

As to claim 14, Horvitz teaches the system of claim 10 wherein the email network appliance is in communication with a computer network (figure 1).

As to claim 15, Horvitz teaches the system of claim 14 wherein the computer network comprises an Internet (figure 1, item 50).

As to claim 17, Horvitz teaches the system of claim 12, further comprising a database storing the sent email message (column 7, lines 53-54, Horvitz discloses the

client e-mail program will download this message, store it within an incoming message folder).

Claims 10, 11, 12 and 16 do not teach or define any new limitations above claims 1-2, 5-9, 14, 15 and 17, and therefore are rejected for similar reasons.

**5. Claim Rejections - 35 USC § 103**

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 3, 7, 13, 18 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Horvitz et al. U.S. 6,161,130.

Horvitz teaches the invention substantially including technique which utilizes a probabilistic classifier to detect "junk" e-mail by automatically updating a training and re-training the classifier based on the updated training set.

As to claim 3, Horvitz teaches the method of claim 1.

Horvitz fails to teach the email network appliance comprises an apparatus comprising a scrollable line display capable of presenting at least six lines but no more than fifteen lines.

However, "Official Notice" is taken that the concept and advantages of employing an apparatus comprising a scrollable line display capable of presenting at least six lines but no more than fifteen lines is old and well known in the art.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Horvitz to provide a display capable of presenting at least six lines but no more than fifteen lines. One would be motivated to do so to allow just a certain number of lines on display.

As to claim 7, Horvitz teaches the method of claim 3, further comprising prompting a user to save a sent email message (column 8, lines 1-2, Horvitz discloses the recipient can also save the message).

As to claim 19, Horvitz teaches the system of claim 18, wherein the email network appliance comprises an email Internet appliance (figure 1).

Claims 13 and 18 do not teach or define any new limitations above claims 3, 7 and 19, and therefore are rejected for similar reasons.

**7. *Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Horvitz et al. U.S. 6,161,130 in view of Fuchigami U.S. 6,393,463.

Horvitz teaches the invention substantially including technique which utilizes a probabilistic classifier to detect "junk" e-mail by automatically updating a training and re-training the classifier based on the updated training set.

As to claim 4, Horvitz teaches the method of claim 1.

Horvitz fails to teach the email network appliance comprises an apparatus connected to a public switch network via an RJ-11 interface.

However, Fuchigami teaches electronic mail communication apparatus, electronic mail system, and electronic mail communication method. Fuchigami teaches the email network appliance comprises an apparatus connected to a public switch network via an RJ-11 interface (column, lines 51-53, Fuchigami discloses A personal computer 6 can access the mail server 3 through a communication line such as a telephone line).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Horvitz in view of Fuchigami to provide comprises an apparatus connected to a public switch network via an RJ-11 interface to the network appliance. One would be motivated to do so to avoid excessive expenses involved on subscribing to an ISDN line or leased line.

## **9. Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to El Hadji M Sall whose telephone number is 703-306-4153. The examiner can normally be reached on 8:00-4:30.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on 703 308-7562. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.



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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

El Hadji Sall  
Patent Examiner  
Art Unit: 2157



**SALEH NAJJAR**  
**PRIMARY EXAMINER**